IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2007

CORAM

THE HONOURABLE MR.JUSTICE P.D.DINAKARAN
AND
THE HONOURABLE MR.JUSTICE R.REGUPATHI

H.C.P.No.1039 of 2007

R.Suganthi .. Petitioner

Vs

1. The Commissioner of Police/
   Detaining Authority
   City Police Office, Huzur Road
   Coimbatore 18.

2. The Secretary to Government
   Prohibition and Excise Department
   Fort St.George, Chennai-600 009. .. Respondents

Petition filed under Article 226 of the Constitution of India for issue of Writ of Habeas Corpus as stated therein.

For Petitioner : Mr.A.D.Jagadish Chandira

For Respondents: Mr.N.R.Elango
Addl. Public Prosecutor

O R D E R

(Made by P.D.DINAKARAN,J.)

The petitioner, wife of the detenu C.R.Sankar, who was incarcerated by order dated 8.5.2007 of the first respondent under the provisions of the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982) branding him as a Goonda, and confined at Central Prison, Coimbatore, seeks a writ of Habeas Corpus to call for the records in connection with the said order of detention in C.No.41/G/OS/2007, to quash the same and to direct the respondents to produce him before this Court and set him at liberty.

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2. On the basis of complaints lodged by one Tr.M.Anandakumar that on 4.4.2007 at about 11.15 hours, the detenu and another waylaid him brandishing a knife and snatched his gold chain weighing about 3 sovereigns and also threatened the public brandishing knife that they would be killed if they approach them and made them to run on all sides seeking shelter, which resulted in traffic dislocation, the detenu was arrested and a case was registered in Crime No.292/2007 on the file of B7, Ramanathapuram Police Station, for the offence punishable under Section 397, IPC.

3. The first respondent, taking note of the above case as a ground case and finding that there are seven adverse cases in crime Nos.1252/06, 506/06, 1030/06, 1013/06, 41/07, 179/07 and 172/07 on the file of B8, Variety Hall Police Station, B11, Saibaba Colony Police Station, B2, R.S.Puram Police Station, B5, Singanallur Police Station, B5, Singanallur Police Station, B4, Race Course Police Station, B7, Ramanathapuram Police Station for the offence under Sections 454, 457 and 380, IPC, ordered his detention dubbing as a goonda.

4. The learned counsel for the petitioner, inviting our attention to the order of detention dated 8.5.2007 and the grounds of detention dated 11.5.2007, contends that the impugned order of detention is vitiated on the ground of incorrect facts with respect to the date of the order of detention and grounds of detention.

5. We find some substance in the contention of the learned counsel. We are unable to appreciate that when the grounds of detention itself is dated 11.5.2007, how could the detaining authority have passed the detention order on 8.5.2007, which is an error apparent on the face of record. Hence, on this ground, the order of detention dated 8.5.2007 is liable to be set aside and accordingly, it is set aside. The habeas corpus petition is allowed. The detenu is directed to be set at liberty forthwith unless his presence is required in connection with any other case.

Sd/-
Asst. Registrar.

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Sub Asst. Registrar.

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To

1. The Secretary to Government
   Prohibition & Excise Department
   Secretariat, Chennai 9.

2. The Commissioner of Police/
   Detaining Authority
   City Police Office, Huzur Road
   Coimbatore 18.

3. The Superintendent
   Central Prison, Coimbatore.

4. The Public Prosecutor
   High Court, Madras.

5. The Joint Secretary to Government
Public (Law and order) Department,
Fort St. George, Chennai-9.

HCP No.1039 of 2007.

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